

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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June 14, 2022

Mr. Ronald A. Klain
Assistant to the President and Chief of Staff
The White House
Washington, DC 20500

Dear Mr. Klain:

We continue to investigate the Biden Administration's misuse of federal counterterrorism resources to target concerned parents. On May 20, 2022, the National School Boards Association (NSBA) released a third-party report into the development of its September 29, 2021, letter to President Biden that urged federal law-enforcement intervention at school board meetings.¹ The review concluded that the White House not only colluded with the NSBA to craft the substance of the letter, but that following the letter President Biden called the then-NSBA President to say he was "appreciative" of the letter and to invite her to the Oval Office.² Based on this new information, we write to request documents within the possession of the Executive Office of the President.

The NSBA letter to President Biden alleged that "malice, violence, and threats" against school officials "could be the equivalent of a form of domestic terrorism or hate crimes."³ The letter urged the President to use federal counterterrorism tools, including the Patriot Act, to target parents speaking out at school board meetings on behalf of their children.⁴ Five days after the NSBA letter, on October 4, 2021, Attorney General Merrick Garland directed the Federal Bureau of Investigation (FBI) and U.S. Attorneys' Offices to take action.⁵ The Justice Department issued a press release announcing "open dedicated lines of communication for threat reporting, assessment and response by law enforcement"—in other words, create a snitch line for complaints about concerned parents.⁶ The release announced that the FBI would be part of a

¹ *Final Report on the Events Surrounding the National School Boards Association's September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION (May 20, 2022) [hereinafter NSBA Final Report].

² *Id.* at 5-6, 23.

³ Letter from Dr. Viola M. Garcia, President, Nat'l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat'l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021).

⁴ *Id.*

⁵ Memorandum from Atty Gen. Merrick Garland, U.S. Dep't of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

⁶ Press Release, U.S. Dep't of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

Department-wide task force “to determine how federal enforcement can be used to prosecute these crimes.”⁷ We know from brave whistleblowers that the FBI had operationalized the Attorney General’s directive by creating a unique threat tag—EDUOFFICIALS—which agents used to label dozens of parents as potential threats.⁸

The NSBA-commissioned review uncovered troubling collusion between the White House and the NSBA in the development of the September 29 letter. The review concluded that:

The Letter was the result of twenty days of research and drafting by the NSBA under the direction of Mr. [Chip] Slaven [then-Interim CEO and Executive Director of the NSBA]. While directing NSBA staff in drafting the letter, Mr. Slaven was simultaneously discussing his efforts with Ms. [Mary] Wall, a White House official, and providing the White House, through Ms. Wall, with advance information regarding the contents of the Letter. Evidence indicates that Ms. Wall used advance information from Mr. Slaven regarding the planned Letter and its specific content to “include in discussions” with “other [White House] offices” and Department of Justice before the Letter was finalized and sent to President Biden.⁹

Evidence shows that Mr. Slaven worked especially close with Ms. Wall, Senior Policy Advisor to the President. The report details how Ms. Wall “conferred” with Mr. Slaven on a call before the letter was sent, during which she requested NSBA’s list of “egregious examples” of parents at local school board meetings.¹⁰ The report also notes that “pursuant to Ms. Wall’s requests”—just eight days before the letter was finalized and sent to the President—Mr. Slaven “provided the White House with an advance summary of the Letter’s contents and its list of requests for federal intervention”—including reference to the Patriot Act—“so White House officials could ‘include’ the planned contents of the Letter in discussions with Department of Justice officials on September 22, 2021.”¹¹ It also appears other White House officials and offices may have been involved.¹²

⁷ *Id.*

⁸ Email from Carlton Peeples, Deputy Assistant Director, Criminal Investigative Div., Fed. Bureau of Investigation, to FBI_SACS (Oct. 20, 2021); Letter from Rep. Jim Jordan & Rep. Mike Johnson to Merrick B. Garland, Att’y Gen. (May 11, 2022).

⁹ NSBA Final Report at 5-6.

¹⁰ *Id.* at 3.

¹¹ *Id.*; see also NSBA Final Report, Appendix Exhibits at 371, E-mail from Ms. Mary Wall, Senior Policy Advisor to the Pres., Exec. Office of the Pres., to Mr. Chip Slaven, Interim CEO & Exec. Dir., Nat’l School Boards Assoc. (Sept. 21, 2021 10:10 PM) (“Is there any way we can take a look at the letter in advance of release? In specific, I’m meeting w colleagues from other WH offices and DOJ tomorrow morning to see if there might be any options we can pursue here, so if you have concrete recommendations in your letter (e.g. the threat assessment you mentioned), would be good to know so I can include in discussions.”).

¹² *Id.* at 4-5.

The collaboration between the White House, Justice Department, and NSBA to develop the justification for the NSBA's September 29 letter brought down the heavy hand of the federal law enforcement apparatus upon America's parents. We know from the NSBA-commissioned report that the White House did not object to or otherwise discourage the NSBA from asking the President to use the Patriot Act and domestic terrorism statutes against America's parents—a request of which the President said he was “appreciative.” We also know from whistleblowers that federal counterterrorism resources were, in fact, used against parents as the direct result of the NSBA letter to President Biden and Attorney General Garland's directive. This information only strengthens our concerns that the Biden Administration is chilling protected First Amendment activity as parents rightfully fear that their passionate advocacy for their children could result in a visit from federal law enforcement.

Therefore, to assist in our oversight of the Biden Administration's use of federal law enforcement—including counterterrorism resources—with respect to school board-related threats, we ask that you produce the following material for the period January 20, 2021, to the present:

1. All documents and communications between or among employees or officials of the Executive Office of the President referring or relating to the NSBA;
2. All documents and communications between or among employees or officials of the Executive Office of the President and employees or officials of the Department of Justice, Department of Homeland Security, Department of Education, and any executive branch department or agency referring or relating to the NSBA or school board-related threats;
3. All documents and communications between or among employees or officials of the Executive Office of the President and employees or officials of the Department of Justice referring or relating to the Attorney General's memorandum dated October 4, 2021; and
4. All documents and communications between or among employees or officials of the Executive Office of the President and employees of the NSBA referring or relating to the NSBA's September 29, 2021, letter to President Biden.

Please provide this information as soon as possible but no later than 5:00 p.m. on June 28, 2022.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



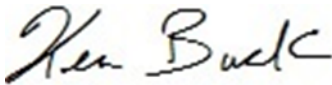
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Member of Congress



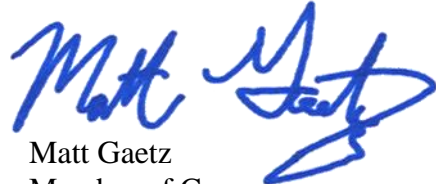
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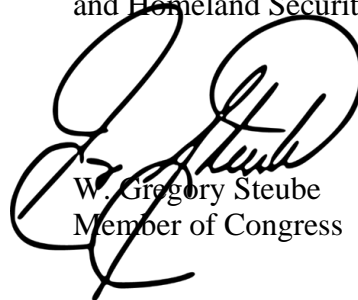
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Civil Rights and Civil Liberties



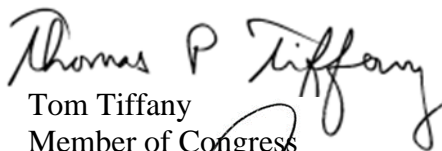
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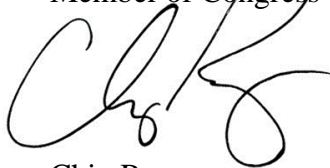
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Member of Congress



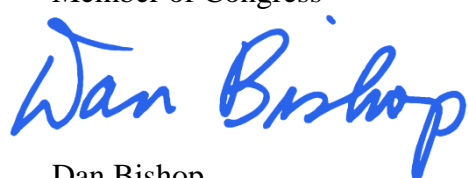
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cc: The Honorable Jerrold L. Nadler, Chairman